



**CLARKSVILLE CITY COUNCIL
SPECIAL SESSION
APRIL 21, 2020, 5:00 P.M.**

**COUNCIL CHAMBERS
106 PUBLIC SQUARE
CLARKSVILLE, TENNESSEE**

AGENDA

IN AN EFFORT TO FACILITATE THE RESPONSE TO CORONAVIRUS DISEASE 2019 (COVID-19), THIS MEETING WILL BE CONDUCTED VIA GOOGLE MEETS AND LIVE STREAMED ON CITYOFCLARKSVILLE.COM. AN AUDIO/VIDEO RECORDING OF THE PROCEEDINGS WILL BE MADE AVAILABLE TO THE PUBLIC WITHIN 48 HOURS. MEMBERS OF THE PUBLIC ARE, BY LAW, ALLOWED TO ATTEND MEETINGS OF THE CLARKSVILLE CITY COUNCIL, BUT ARE STRONGLY DISCOURAGED TO DO SO AT THIS TIME.

1) CALL TO ORDER *Mayor Joe Pitts*

2) PRAYER

3) ATTENDANCE *City Clerk*

4) APPROVAL OF ELECTRONIC MEETING

MOTION: "In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, this governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak."

5. **RESOLUTION 54-2019-20** Approving an Interlocal Agreement (Memorandum of Understanding) between Clarksville-Montgomery County 911 Emergency Communications District and the City of Clarksville (Clarksville Police Department and Clarksville Fire Rescue) relative to sharing of protected health information

6. **RESOLUTION 55-2019-20** Approving alternative public hearing procedures during the time period of the locally declared State of Emergency due to the COVID-19 Pandemic

7. **RESOLUTION 56-2019-20** Approving extension of Mayoral Executive Order No. 003 pertaining to the Novel Coronavirus in order to limit the spread of the COVID-19 Disease (April 22 through April 28, 2020)

8. **ADJOURNMENT**

RESOLUTION 54-2019-20

A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN CLARKSVILLE MONTGOMERY COUNTY 911 EMERGENCY COMMUNICATIONS DISTRICT AND THE CITY OF CLARKSVILLE (CLARKSVILLE POLICE DEPARTMENT AND CLARKSVILLE FIRE RESCUE)

WHEREAS, the City Council finds that the sharing of limited Personal Health Information between the Clarksville-Montgomery County Emergency Communications District and the City of Clarksville Police Department and the Clarksville Fire Rescue Department is in the best interests of the Law Enforcement Officers and First Responders who are on the front lines of the response to COVID-19 pandemic, and such information sharing is critical to protecting said City employees and as well as the general public;

WHEREAS, the City Council finds that the attached Interlocal Agreement (aka Memorandum of Understanding) sets forth the obligations and duties of the parties and should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLARKSVILLE, TENNESSEE:

That the Clarksville City Council hereby approves an Interlocal Agreement, attached hereto as Exhibit A, with the Clarksville-Montgomery County Emergency Communications District and the City of Clarksville (Clarksville Police Department and Clarksville Fire Rescue).

ADOPTED:

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CLARKSVILLE-MONTGOMERY COUNTY 911 EMERGENCY
COMMUNICATION DISTRICT AND THE CITY OF
CLARKSVILLE (CLARKSVILLE POLICE DEPARTMENT AND
FIRE RESCUE DEPARTMENT), TENNESSEE**

I. INTRODUCTION

1. This Memorandum of Understanding (**MOU**) is between the **Clarksville - Montgomery County 911 Emergency Communication District (ECD)** and the **City of Clarksville, Tennessee** (Clarksville Police Department, a law enforcement agency (**LEA**), and the Clarksville Fire Rescue Department (**CFR**), a fire prevention, containment, suppression and rescue agency), each located in Clarksville, Tennessee. The purpose of this MOU is to detail the limited purpose for which ECD is disclosing Protected Health Information (**PHI**) to LEA that ECD receives from the Tennessee Department of Commerce and Insurance - Tennessee Emergency Communications Board (**TECB**) via the Tennessee Department of Health (**Health**). Health is a Covered Entity subject to the Privacy and Security Rules (45 Code of Federal Regulations (**C.F.R.**) Parts 160 and 164) promulgated by the United States Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, as amended by the final rule modifying the HIPAA Privacy, Security, Enforcement, and Breach Notification Rules under the Health Information Technology for Economic and Clinical Health Act (HITECH).
2. TECB assists emergency communications districts across the State in coordinating 911 services and implementing and maintaining 911 emergency services. TECB's mission is "Ensuring that every citizen can effectively access the life-saving power of 911."
3. ECD was created by Tennessee Code Annotated § 7-86-104 and serves Clarksville, Montgomery County, Tennessee by ensuring a system is in place in order to provide "911 Service" as defined by Tenn. Code Ann. § 7-86-103(1) to the people within the ECD's jurisdiction.
4. LEA is a law enforcement department employing Law Enforcement Officers, and CFR is a fire and rescue department employing First Responders, each located within the City of Clarksville, Montgomery County, Tennessee that provides law enforcement assistance and service, and fire prevention, suppression and rescue services, respectively to the citizens of Clarksville, Montgomery County, Tennessee or to persons within the LEA / CFR jurisdiction.

II. PURPOSE OF DISCLOSURES

5. TECB acts as a clearinghouse by routing a list of names and addresses of individuals documented as having tested positive, or received treatment, for COVID-19 to the ECD. Such list is provided to TECB by Health during the pendency of the statewide state of emergency due to COVID-19. Health updates this list daily to the TECB and the TECB updates this list daily to ECD; after 30 days on the list, an individual's name and address will roll off of this list. Pursuant to this MOU and during the pendency of the statewide state of emergency due to COVID-19, ECD will provide this list daily to LEA.

6. The purpose of these disclosures is so that the LEA responders answering a call at a listed address may take extra precautions, such as the enhanced use of personal protective equipment (PPE). Health believes these disclosures are necessary to prevent or control the spread of COVID-19 and necessary to prevent or lessen a serious and imminent threat to LEA responders and to the public health, safety, and welfare of the citizens of Montgomery County. It is believed that, by making this information available to LEA, serious and imminent threat to the LEA responders will be prevented or lessened.

III. LEGAL AUTHORITY AND REASONS DISCLOSURES ARE PERMITTED

7. The U.S. Department of Health and Human Services (DHHS) – Office for Civil Rights has issued guidelines (“COVID-19 and HIPAA: Disclosures to law enforcement, paramedics, other first responder and public health authorities.”) that discuss the release of confidential Protected Health Information (PHI) of individuals, normally protected by HIPAA Rules, to Law Enforcement Officials, Paramedics, and other First Responders in order to prevent or lessen a serious, imminent threat to the health and safety of individuals or the public generally. The U.S. DHHS has promulgated regulations to implement and enforce the provisions of the HIPAA statute. The following specific citations to the Code of Federal Regulations (C.F.R.) permit the release of certain HIPPA confidential PHI of individuals under specific circumstances, for specific purposes, to include threats to public health, safety and welfare. See 45 C.F.R. § 154.512(b)(1)(iv); and §164.512(j)(1) and (4); and §164.512(k)(5)(i).

45 C.F.R. §164.512(b)(1)(iv).

- (b) Standard: Uses and disclosures for public health activities -

- (1) Permitted uses and disclosures. A covered entity may use or disclose protected health information for the public health activities and purposes described in this paragraph to:

- (iv) A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if the covered entity or public health authority is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation;

45 C.F.R. §164.512(j)(1) and (4).

(j) Standard: Uses and disclosures to avert a serious threat to health or safety -

(1) Permitted disclosures. A covered entity may, consistent with applicable law and standards of ethical conduct; use or disclose protected health information, if the covered entity, in good faith, believes the use or disclosure:

(i)

(A) Is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public; and

(B) Is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat;

(4) Presumption of good faith belief. A covered entity that uses or discloses protected health information pursuant to paragraph (j)(1) of this section is presumed to have acted in good faith with regard to a belief described in

paragraph (j)(l)(i) or (ii) of this section, if the belief is based upon the covered entity's actual knowledge or in reliance on a credible representation by a person with apparent knowledge or authority.

45 C.F.R. §164.512(k)(5)(i).

(b) Standard: Uses and disclosures for specialized government functions.

(5) Correctional institutions and other law enforcement custodial situations.

(i) Permitted disclosures. A covered entity may disclose to ... a law enforcement official having lawful custody of an ... individual protected health information about such ... individual, if the ... law enforcement official represents that such protected health information is necessary for:

(A) The provision of health care to such individuals;

(B) The health and safety of such individual ...;

(C) The health and safety of the officers or employees of or others at the correctional institution;

(D) The health and safety of such individuals and officers or other persons responsible for the transporting of inmates or their transfer from one institution, facility, or setting to another;

(E) Law enforcement on the premises of the correctional institution; or

(F) The administration and maintenance of the safety, security, and good order of the correctional institution.

IV. LEA RESPONSIBILITIES

8. LEA may:

- Inform its officers of the names and addresses within their jurisdiction at which there is an individual documented as testing positive, or as receiving treatment, for COVID-19, so that those officers answering or providing LEA response at such a location may take extra precautions or use personal protective equipment.
- Generally, LEA may only notify the responding officer that some individual at a given address is on the list when the responding officer is answering a call at a listed address. LEA may disclose the name of a listed individual at that address only if the individual

named on the list is the subject of the call at the listed address.

- ECD, or the on scene LEO(s) that have received such information from the ECD and or LEA may inform any responding First Responder(s) at such a location that there is an individual documented as testing positive, or as receiving treatment, for COVID-19, so that those First Responders answering or providing emergency aid or rescue response at such a location may take extra precautions or use personal protective equipment.

9. LEA may not:

- Re-disclose the entire list to anyone;
- Re-disclose any information on the list, or summary or derivative thereof, to anyone other than other LEA and First Responder personnel;
- Use or disclose any information on the list for any purpose other than the purpose detailed in this MOU; or
- Retain any copy, or summary or derivative, of the list for more than 30 days.

10. LEA must

- Instruct officers answering a call at a location identified on the list to provide the same level of service as they would for a location not addressed on the list; while responding officers of the LEA may take additional precautions, including but not limited to enhanced use of personal protective equipment, they are instructed to provide the same level of service and responsiveness to all calls and may not discriminate against individuals or locations that appear on the list or any prior version of the list. If an LEA is not willing to make and maintain this commitment, it shall not receive information from the list;
- Keep the list confidential, and secure it accordingly, including, but not limited to:
- safeguarding paper copies of the list from easy view of anyone other than LEA; and
- storing electronic versions of the list on encrypted devices;
- Shred outdated lists, and delete any electronic copies thereof, upon receipt of an updated list from Health;
- Shred the list (and any copies), and delete any electronic copies thereof, thirty (30) days after the termination of the statewide state of emergency for COVID-19;

- Limit disclosures of the information provided to the purpose detailed in this MOU ;
- Inform ECD within three (3) days if information has been, or is suspected of having been, disclosed in a manner not authorized by this MOU, even if the disclosure was made by a party other than LEA;
- Inform ECD immediately if it is known or suspected that, aside from taking extra precautions, including but not limited to enhanced use of personal protective equipment, any LEA responder is not responding to calls at locations appearing on the list or previously on the list with the same level of service and responsiveness that they provide in response to other calls at locations not appearing on the list; and
- Make any and all arrangements necessary with the emergency service providers that may receive this information to protect and dispose of the information as required by this MOU.

12. Fire Rescue Agency may not:

- a. Receive the entire list, but may receive information from the list with regard to specific locations / individuals as provided above with regard to LEOs responding to calls; or
- b. Re-disclose any information on the list, or summary or derivative thereof, to anyone other than other LEA and First Responder personnel in response to a call; or
- c. Use or disclose any information on the list for any purpose other than the purpose detailed in this MOU; or
- d. Retain any copy, or summary or derivative, of any information from the list for more than 30 days.

13. Fire Rescue Agency shall:

- a. Instruct First Responders answering a call at a location identified on the list to provide the same level of service as they would for a location not addressed on the list; while First Responders may take additional precautions, including but not limited to enhanced use of personal protective equipment, they are instructed to provide the same level of service and responsiveness to all calls and may not discriminate against individuals or locations that appear on the list or any prior version of the list. If a First Responder is not willing to make and maintain this commitment, it shall not receive information from the list; and
- b. Limit disclosures of the information provided to the purpose detailed in this MOU; and
- c. Inform ECD within three (3) days if information has been, or is suspected of having been, disclosed in a manner not authorized by this MOU, even if the disclosure was made by a party other than a First Responder; and

- d. Inform ECD immediately if it is known or suspected that, aside from taking extra precautions, including but not limited to enhanced use of personal protective equipment, any First Responder is not responding to calls at locations appearing on the list or previously on the list with the same level of service and responsiveness that they provide in response to other calls at locations not appearing on the list; and
- e. Make any and all arrangements necessary with the emergency service providers that may receive this information to protect and dispose of the information as required by this MOU.

Agreed to and effective April _____, 2020.

**CLARKSVILLE-MONTGOMERY COUNTY 911
EMERGENCY COMMUNICATION DISTRICT**

By: _____
Title: _____

CITY OF CLARKSVILLE, TN

By: Joe Pitts
Title: Mayor

**CLARKSVILLE POLICE
DEPARTMENT (LEA)**

By: Al Ansley
Title: Chief of Police

**CLARKSVILLE FIRE RESCUE
DEPARTMENT**

By: Freddy Montgomery
Title: Fire Chief

A RESOLUTION APPROVING ALTERNATIVE PUBLIC HEARING PROCEDURES DURING THE TIME PERIOD OF THE LOCALLY DECLARED STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, in late 2019, a significant outbreak of COVID-19 occurred, and this disease has since spread to many countries; and

WHEREAS, to date, according to the Centers for Disease Control and Prevention (CDC), there have been ____ cases of COVID-19 identified in the United States, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in the State of Tennessee, which have resulted in ____ deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been ____ cases of COVID-19 identified in Montgomery County, Tennessee; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following CDC guidance, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, the Honorable Governor Bill Lee of the State of Tennessee has previously declared a state of emergency in connection with the COVID-19 disease pandemic by Executive Order No. 14 issued March 12, 2020; and

WHEREAS, *Tennessee Code Annotated §58-2-110 and §58-8-104* provides the City Mayor with the power and authority to declare a local state of emergency, to include in cases of disease outbreaks and epidemics, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days in seven (7) day increments upon approval by the City Council by resolution; and

WHEREAS, *Tennessee Code Annotated §38-9-102* provides the City Mayor with the power and authority to proclaim a civil emergency in cases of any natural disaster within the geographic limits of the City resulting in death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, the state law, private act, City Charter confers general police powers upon the City, and authorizes the City to act and to regulate in the interests of public health and welfare; and

WHEREAS, the City Code Section 1-1204, provides that the Mayor shall power and authority to declare a state of emergency, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days upon approval by the City Council by resolution; and

WHEREAS, the Honorable City Mayor Joe Pitts of the City of Clarksville, Tennessee, has

previously declared a local state of emergency in connection with the COVID-19 disease pandemic by City Mayor Executive Order No. 001 issued March 18, 2020, and proclaimed a civil emergency by City Mayor Executive Order No. 002 issued March 23, 2020, pursuant to, and in accordance with, the forgoing legal authorities; and

WHEREAS, the City Code, Section 1-203(c), provides *inter alia* that a public comment period, not concerning zoning amendments, shall be conducted before the regular session of the City Council; and

WHEREAS, the City Code, Section 1-203(d), at paragraphs six and seven, provides *inter alia* that a public comment period, not concerning zoning amendments, shall be conducted during the executive session of the City Council after the end of the executive session, as well as during committee meetings; and

WHEREAS, Tennessee Code Annotated §13-7-203(a) provides *inter alia* that before enacting any zoning ordinance or amendment thereof, the chief legislative body of the municipality shall hold a public hearing thereon; and

WHEREAS, the City Code, Section 1-204(b) pertains to, and provides procedures for, in-person public hearings concerning zoning amendments; and

WHEREAS, the City Zoning Code, Chapter 11 (Administration and Enforcement), Section 11.4 (Amendments), Sub-section (2) pertains to, *inter alia*, the scheduling of a public hearing with the City Council pertaining to any zoning amendments, whether text or map; and

WHEREAS, the Honorable Governor Bill Lee of the State of Tennessee has previously issued on March 20, 2020, Governor's Executive Order No. 16, which, *inter alia*, suspended certain provisions of Tennessee Code Annotated §8-44-101, et. seq., (the Tennessee "Open Meetings" Act) to allow for meetings and conduct of essential business by a governing body by electronic means, rather than being required to gather a quorum of members physically present at the same location, and further authorized governing bodies to make and amend orders and rules as necessary to conduct such electronic meetings; and

WHEREAS, the City Council recently has been, and expects to continue, meeting through electronic means during the time period of the Governor's and / or City Mayor's declared state of emergency, as is permitted by law; and

WHEREAS, the City Council finds that alternative electronic means, other than through in-person means, should be provided for members of the public to present public comments at the time of committee meetings, executive and regular session meetings, and to present their statement in accordance with the aforementioned legal requirements for public hearings pertaining to zoning amendments, whether text or map; and

WHEREAS, the City Council finds that this Resolution is in the public interest and serves public health and welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council that all public comments, and public hearings pertaining to zoning amendments, whether text or map, as required by law, shall be conducted using the following methods:

1. Any person desiring to make a public comment, or to present their statement pertaining to zoning amendments, whether text or map, may submit their written comment or statement to the City Clerk, either by regular U.S. Postal Service mail, or commercial carrier, or by email to the City Clerk at sylvia.skinner@cityofclarksville.com, prior to the committee meeting, or to the executive or regular session meeting, during which they desire their comments to be considered, and shall specify which committee meeting, or executive or regular session meeting, at which they desire their comment or statement to be considered, and specifying the subject matter of their public comment, or specifying the zoning case number or matter they desire to present a public statement on. In order to be considered by the committee, or the City Council, said written comment or statement must be received by the City Clerk at least seventy two (72) hours prior to the

scheduled committee meeting, or executive or regular session meeting of the City Council, at which they desire their comment or statement to be considered. Any written comments or statement shall be limited to five (5) pages. If these requirements are met, the City Clerk shall forward a copy of the comment or statement, by electronic means, to each committee member, or to the City Council, as applicable.

2. Any person desiring to make a public comment, or to present their statement pertaining to zoning amendments, whether text or map, may also submit their comment or statement at the time of the committee meeting, or at the executive or regular session meeting of the City Council, being conducted electronically, by participating through the Google Meet software program through use of a computer kiosk established in the City Hall lobby, located at One Public Square, Clarksville, TN, for said purpose. In order to use this method of making public comment, or a presenting a public statement pertaining to zoning amendments, whether text or map, the person desiring to use such method shall first be required to notify the City Clerk by telephone (931)648-6121, or by email (sylvia.skinner@cityofclarksville.com) of their desire to make a public comment, or to present a public statement pertaining to zoning amendments, whether text or map, and shall specify which committee meeting, or executive or regular session meeting, they desire to speak at, and specifying the subject matter of their public comment, or the zoning case number or matter they desire to present a statement on, at least forty-eight (48) hours prior to the committee meeting, or executive or regular session meeting of the City Council, at which they desire their comment or statement to be considered. Each person using this method of making a public comment, or presenting a public statement pertaining to zoning amendments, whether text or map, shall be limited to a maximum of five (5) minutes to speak. No more than three (3) persons shall be allowed to use this method of making a public comment, on any subject matter not involving zoning, at any committee meeting, or at any executive or regular session meeting. No more than three (3) persons in support of, and three (3) persons in opposition to, shall be allowed to use this method of presenting a public statement pertaining to any zoning amendment, whether text or map. Scheduling of persons desiring to use this method of making a public comment, or presenting a public statement pertaining to zoning amendments, whether text or map, shall be conducted by the City Clerk on a first come, first served, basis.
3. The provisions of this Resolution shall be in effect only during the effectiveness of the Governor's Executive Order No. 16, issued March 20, 2020.

ADOPTED:

RESOLUTION 56-2019-20

A RESOLUTION APPROVING THE EXTENSION OF MAYORAL EXECUTIVE ORDER No. 003 PERTAINING TO THE NOVEL CORONAVIRUS IN ORDER TO LIMIT THE SPREAD OF THE COVID-19 DISEASE

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, in late 2019, a significant outbreak of COVID-19 occurred, and this disease has since spread to many countries; and

WHEREAS, to date, according to the Centers for Disease Control and Prevention (CDC), there have been _____ **cases** of COVID-19 identified in the United States, which have resulted in _____ **deaths**; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been _____ **cases** of COVID-19 identified in the State of Tennessee, which have resulted in _____ **deaths**; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been _____ **cases** of COVID-19 identified in Montgomery County, Tennessee which have resulted in _____ **deaths**; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following CDC guidance, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, a state of emergency has been declared through Executive Order issued March 12, 2020, by Governor Bill Lee of the State of Tennessee in connection with the COVID-19 disease outbreak; and

WHEREAS, City Mayor Joe Pitts, has previously declared a local state of emergency by Executive Order issued March 18, 2020 in connection with the COVID-19 disease outbreak; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, the City Mayor and the City Council have a responsibility to take all reasonably prudent actions to ensure public health, safety, and welfare in the event of an infectious disease pandemic; and

WHEREAS, empirical medical evidence and expert reports strongly indicate and advise that the spread of the COVID-19 disease is effectively slowed by frequent hand washing, social distancing, self-quarantine, and the reduction of public interactions and gatherings of groups of people; and

WHEREAS, the provisions of this Order are necessary to maximize efforts to protect the public health, safety and welfare; and

WHEREAS, Tennessee Code Annotated §58-2-110 and §58-8-104 provides the City Mayor with the power and authority to declare a local state of emergency, to include in cases of disease outbreaks and epidemics, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days in seven (7) day increments upon approval by the City Council by resolution; and

WHEREAS, Tennessee Code Annotated §38-9-102 provides the City Mayor with the power and authority to proclaim a civil emergency in cases of any natural disaster within the geographic limits of the City resulting in death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

WHEREAS, the state law, private act, City Charter confers general police powers upon the City, and authorizes the City to act and to regulate in the interests of public health and welfare; and

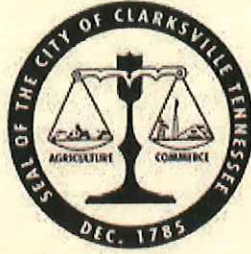
WHEREAS, the City Code Section 1-1204, provides that the Mayor shall power and authority to declare a state of emergency, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days upon approval by the City Council by resolution; and

WHEREAS, the Honorable City Mayor Joe Pitts has previously issued City Mayor Executive Orders Nos. 001, 002, and 003; and

WHEREAS, the City Council finds that the Mayor's previously issued Executive Orders are in the public interest and serve to further public health and welfare.

NOW, THEREFORE, the Mayor's previously issued Executive Orders, to include No. 003 pertaining to the novel coronavirus and issued in order to limit the spread of the COVID-19 disease, is hereby approved to be extended, and this extension of same shall be effective as of 12:01 a.m. on April 22, 2020, and same shall have effect for a period seven (7) days, and is hereby approved to be extended, in seven (7) day increments, by the Mayor in his discretion during the period of the local state of emergency due to the novel coronavirus, in order to limit the spread of COVID-19, as provided by law.

ADOPTED:



**CITY OF CLARKSVILLE
TENNESSEE**

EXECUTIVE ORDER

**BY THE CITY MAYOR
JOE PITTS**

No. 003

**AN ORDER PERTAINING TO THE NOVEL CORONAVIRUS IN ORDER TO
PREVENT THE SPREAD OF COVID-19**

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-CoV-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, in late 2019, a significant outbreak of COVID-19 occurred, and this disease has since spread to many countries; and

WHEREAS, to date, according to the Centers for Disease Control and Prevention (CDC), there have been 140,904 cases of COVID-19 identified in the United States, which have resulted in 2,405 deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been 1834 cases of COVID-19 identified in the State of Tennessee, which have resulted in 13 deaths; and

WHEREAS, to date, according to the Tennessee Department of Health, there have been 13 cases of COVID-19 identified in Montgomery County, Tennessee; and

WHEREAS, on January 16, 2020, the Tennessee Department of Health activated the State Health Operations Center (SHOC), and on January 21, 2020, following CDC guidance, the Department designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the novel coronavirus (COVID-19) outbreak a global pandemic; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, a state of emergency has been declared through Executive Order issued March 12, 2020, by Governor Bill Lee of the State of Tennessee in connection with the COVID-19 disease outbreak; and

WHEREAS, City Mayor Joe Pitts, has previously declared a local state of emergency by Executive Order issued March 18, 2020 in connection with the COVID-19 disease outbreak; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Tennessee is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, the City Mayor and the City Council have a responsibility to take all reasonably prudent actions to ensure public health, safety, and welfare in the event of an infectious disease pandemic; and

WHEREAS, empirical medical evidence and expert reports strongly indicate and advise that the spread of the COVID-19 disease is effectively slowed by frequent hand washing, social distancing, self-quarantine, and the reduction of public interactions and gatherings of groups of people; and

WHEREAS, the provisions of this Order are necessary to maximize efforts to protect the public health, safety and welfare; and

WHEREAS, Tennessee Code Annotated §58-2-110 and §58-8-104 provides the City Mayor with the power and authority to declare a local state of emergency, to include in cases of disease outbreaks and epidemics, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days in seven (7) day increments upon approval by the City Council by resolution; and

WHEREAS, Tennessee Code Annotated §38-9-102 provides the City Mayor with the power and authority to proclaim a civil emergency in cases of any natural disaster within the geographic limits of the City resulting in death or injury of persons to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare; and

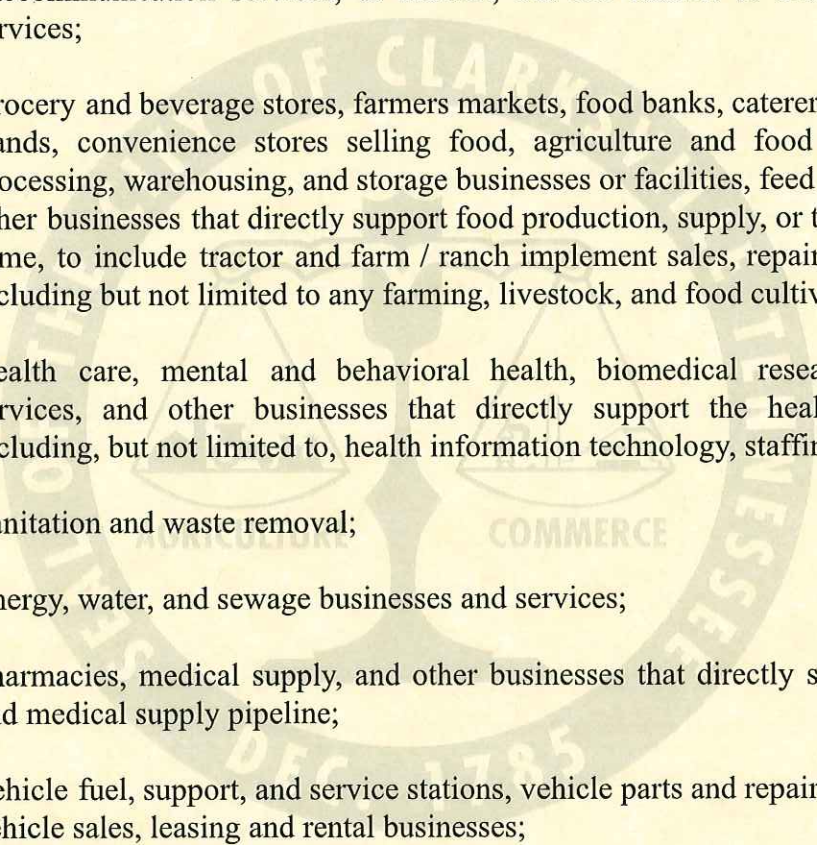
WHEREAS, the state law, private act, City Charter confers general police powers upon the City, and authorizes the City to act and to regulate in the interests of public health and welfare; and

WHEREAS, the City Code Section 1-1204, provides that the Mayor shall power and authority to declare a state of emergency, which shall have an immediate effect when declared for a period of seven (7) days, but may have continuing effect beyond seven (7) days upon approval by the City Council by resolution; and

NOW THEREFORE, I, Joe Pitts, Mayor of the City of Clarksville, each of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution, state law of general application, the Charter for the City of Clarksville, the City Code, and other applicable law, and having previously declared a state of emergency exists in the City of Clarksville in order to facilitate an effective response to prevent the spread of COVID-19 pursuant to Tennessee Code Annotated §58-8-104, and having previously proclaimed a civil emergency in accordance with Tennessee Code Annotated §38-9-102, do hereby ORDER the following:

1. The provisions of the previously issued Executive Orders No. 001 dated March 18, 2020, and Executive Order No. 002 dated March 23, 2020 pertaining to the novel coronavirus and COVID-19 by City Mayor Joe Pitts remain in effect and are hereby extended to 12:01 a.m. Central Standard Time (CDT) on April 8, 2020, and may be extended in seven (7) day increments as provided by law during the period of the declared local state of emergency due to the novel coronavirus and COVID-19.
2. The provisions of Tennessee Governor Bill Lee's previous Executive Orders 17, 21, and 22 are attached hereto, and incorporated herein as Exhibits A, B, and C. This City Mayor's Executive Order shall also incorporate any amendments or superseding executive orders that may be issued by the Governor from time to time. This City Mayor's Executive Order contains additional limitations, restrictions, and / or prohibitions beyond those specified in the Governor's Executive Orders, as permitted by law.
3. Citizens of the City of Clarksville are directed to shelter at home, except when engaging in Essential Activities or Essential Services as defined herein. When individuals leave their homes or places of residence, they should practice appropriate social distancing, staying six (6) feet apart, and should assume others are infectious, regardless of whether they exhibit symptoms.
4. All gatherings are strongly discouraged, and those with more than 10 people are strictly prohibited. Gatherings include any event or convening unrelated to essential services that bring together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, conventions, fundraisers, and similar activities.

5. All public park open areas will remain open. Open areas are only those for walking, running, biking, and those not designated for use by groups of persons. Citizens using these public park open spaces are directed to adhere to Centers for Disease Control and Prevention (CDC) guidance on social distancing and hand hygiene, remaining six (6) feet apart. All public park buildings, structures, and playgrounds of any type shall be closed.
6. Individuals experiencing homelessness, which may include individuals in shelters and homeless encampments, shall not be subject to this order but shall be strongly encouraged to follow CDC guidance on social distancing and hand hygiene.
7. All businesses not performing Essential Services shall close their business facilities, subject to exceptions stated in this City Mayor Executive Order No. 003. Facilities may remain accessible as needed in order to service computer and other equipment, process mail, and to maintain security.
8. This closure order includes, but is not limited to:
 - a. On-site activities at hospitality, educational, and entertainment venues, businesses, or facilities, are directed to close to the public. On-line activities and deliveries through these businesses may continue.
 - b. Personal appearance businesses, including hair, nail, massage, tattoo, tanning, waxing, and other such facilities are directed to close to the public, except when the service is medically necessary as determined by a competent medical authority or provider.
 - c. Public and private entertainment and social clubs are directed to close to the public.
 - d. Nothing in this Executive Order shall prohibit any business possessing applicable licenses or permits from conducting deliveries; however, CDC guidance on social distancing shall be followed to the maximum extent possible.
 - e. Nothing in this Executive Order is intended to prohibit individuals from performing business functions of nonessential businesses from their own homes, provided that such business functions comply with existing law and are only performed by residents of that home.
9. This Executive Order specifically does not apply to the following sectors and businesses, or to their employees, which are hereby designated as Essential Services to protect the health and well-being of all individuals residing or working in the City of Clarksville.

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- The seal of the State of Tennessee is faintly visible in the background. It features a central five-pointed star with a plow and a sheaf of wheat. The words "THE GREAT SEAL OF THE STATE OF TENNESSEE" are inscribed around the perimeter. The date "1796" is at the bottom. The word "COMMERCE" is written across the middle of the seal.
- a. Federal and state offices and services, and private companies or individuals performing work or providing goods and / or services pursuant to federal, state, or local government contracts;
 - b. Essential government functions including, but not limited to, law enforcement, fire fighting, prevention, and suppression, building code safety, public transportation, and businesses that provide government programs and services, including functions assisting economically disadvantaged populations and individuals experiencing homelessness;
 - c. Businesses, facilities, structures providing news, media, communication and telecommunication services, to include, but not limited to internet and video services;
 - d. Grocery and beverage stores, farmers markets, food banks, caterers, roadside food stands, convenience stores selling food, agriculture and food manufacturing, processing, warehousing, and storage businesses or facilities, feed mills, silos, and other businesses that directly support food production, supply, or transportation of same, to include tractor and farm / ranch implement sales, repair or service, and including but not limited to any farming, livestock, and food cultivation;
 - e. Health care, mental and behavioral health, biomedical research, laboratory services, and other businesses that directly support the healthcare industry including, but not limited to, health information technology, staffing and supplies;
 - f. Sanitation and waste removal;
 - g. Energy, water, and sewage businesses and services;
 - h. Pharmacies, medical supply, and other businesses that directly support the drug and medical supply pipeline;
 - i. Vehicle fuel, support, and service stations, vehicle parts and repair businesses, and vehicle sales, leasing and rental businesses;
 - j. Banks, savings and loans, insurance companies, accounting businesses, tax preparers, financial advisors, and other business that directly support the insurance and financial services sectors;
 - k. Real property marketing, leasing, purchase, and sale services;
 - l. Legal and judicial services;
 - m. Laundromats, laundry, and cleaning services;

- n. Home and business structure and equipment repair, hardware, building supply, and appliance sale and repairs;
- o. Warehousing and storage facilities;
- p. Construction, architectural, engineering, or surveying services;
- q. Product logistics, transport, and distribution businesses;
- r. Parcel transportation and delivery businesses;
- s. Veterinary and pet supply business and services;
- t. Home and business cleaning and maintenance services;
- u. Educational institutions, public and private K-12 schools, private colleges and universities, trade schools, post-secondary, and technical colleges, but only as needed to facilitate online or distance learning and essential functions;
- v. Landscaping and nurseries;
- w. Production, distribution, and sale of household consumer goods such as cleaning and personal care products;
- x. Essential building maintenance and security;
- y. Individuals whose job functions require them to be at their work location and who are essential to preserving the information systems, accounting, and human resource infrastructures of any business which is otherwise in substantial compliance with this order;
- z. Nonprofit entities providing support and assistance to victims of the COVID-19 epidemic; and
- aa. Other businesses and services that may be determined are essential for the continued safety and security of the City of Clarksville.

10. The following businesses may remain open subject to compliance with the following conditions:

- a. Daycare and childcare businesses shall prioritize children of parents working for essential infrastructure sectors, businesses, or service providers to the extent practicable.

- b. Assisted living facilities, nursing homes, adult daycare centers, home health businesses, senior residential facilities, funeral homes and mortuaries shall follow CDC guidance on social distancing and hand hygiene to the maximum extent practicable. Non-essential social and educational programs at senior citizen and other assisted living communities and centers shall cease until further notice.
 - c. Hotels, short-term rental properties, commercial lodges, and dormitories, shall cease entertainment or dine-in services, subject to allowing food and beverage pick-up and room service.
 - d. Golf courses and their facilities pertaining to playing golf may remain open as an outdoor recreation opportunity but shall abide by all of this Executive Order's social distancing requirements. However, other business operations thereon, to include restaurants, clubhouse, spas, driving and putting facilities shall be closed except for pick-up or delivery of food and payments for facility use.
11. Essential Services, especially grocery stores and pharmacies, shall make best efforts to establish hours of operations during which their services are available only to senior citizens or otherwise immune system compromised or otherwise medically vulnerable populations.
12. Essential Services shall continue to adhere to CDC guidance on social distancing and hand hygiene in the workplace, including encouraging work-from-home and allowing employees when possible to work on-site in shifts to optimize social distancing in the workplace, where possible.
13. Essential Services are encouraged to utilize, to the maximum extent possible, any telecommuting, or work-from-home procedures, which they can safely utilize.
14. This specific directive comes from the Executive Order #21 of the Honorable Bill Lee, Governor. Businesses or organizations that perform close-contact personal services shall not be open to members or the public. Such businesses or organizations include, but are not limited to:
- a. Barber shops;
 - b. Hair salons;
 - c. Waxing salons;
 - d. Threading salons;
 - e. Nail salons or spas;
 - f. Spas providing body treatments;
 - g. Body-art facilities or tattoo services;
 - e. Tanning salons;
 - f. Massage-therapy establishments or massage services.

15. This specific directive comes from the Executive Order #21 of the Honorable Bill Lee, Governor. Entertainment and recreational gathering venues shall not be open to members or the public. Such venues include, but are not limited to:
- a. Night clubs;
 - b. Bowling alleys;
 - c. Arcades;
 - d. Concert venues;
 - e. Theaters, auditoriums, performing arts centers, or similar facilities;
 - f. Racetracks;
 - g. Indoor children's play areas;
 - h. Adult entertainment venues;
 - i. Amusement parks; or
 - j. Roller or ice-skating rinks.
16. If any provision, sentence, clause, phrase, or word of this Executive Order, or any application of it to any individual, business, or circumstance, is held to be invalid by a decision of a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions or applications of this Order.
17. The mandates in each City Mayor Executive Order are not applicable to those businesses, entities or employees identified by their work or services as critical infrastructure industry(s) as defined by the Department of Homeland Security, such as healthcare services, pharmaceutical and food supply. This Executive Order does not apply to activities necessary to maintain continuity of operations of critical infrastructure sectors, as outlined at U.S. Department of Homeland Security link: <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. Nothing herein shall be deemed to impede, obstruct, prevent, prohibit, or ban, or to affect in any way, medical or pharmacy, or blood collection, facilities, buildings, businesses, operations, organizations, networks, systems, or infrastructure; or any other facilities, buildings, businesses, operations, organizations, networks, systems, or infrastructure, whether physical or virtual, deemed critical infrastructure, or critical to national security, or to public health and welfare, and identified as such by the United States Department of Homeland Security, or other federal agency, or state government or any agency thereof.
18. Nothing herein shall be deemed to apply to the federal or state government, or to federal or state government owned, leased or operated property, to include, but not limited to, any part of the Fort Campbell, Kentucky military reservation / base.
19. All City department heads are directed to be pro-active and are authorized to take any lawful action pertaining to their departments they may deem necessary to effectuate and enforce the provisions of this City Mayor Executive Order 003, or any prior Executive Order, in furtherance of the purpose of preventing the spread of the COVID-19 disease.


20. All members of the public and all businesses are strongly encouraged to follow and comply with guidance and directives issued by the federal CDC and state and local departments of health, and all executive orders issued by the President and the Governor.
21. All members of the public are strongly encouraged to remain calm, to resist panic purchasing, consider their neighbors who have need, and to look after and help those most at risk to this pandemic to include the elderly and those with suppressed immune systems.
22. This Executive Order issued pursuant to law shall take effect on April 1, 2020 at 12:01 a.m. Central Daylight Time (CDT), and shall remain in effect until 12:01 a.m., CDT, on April 8, 2020, at which time this Order shall cease and be of no further force and effect, unless sooner terminated, or extended, by written amendment hereof, or by subsequent written order issued, in accordance with law, and upon approval of the City Council, shall remain in force and effect, and shall continue, in seven (7) day increments.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Seal of the City of Clarksville, Tennessee, to be affixed this 31st day of March, 2020.

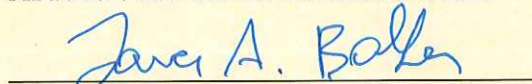


CITY MAYOR

ATTEST:


City Clerk

APPROVED AS TO LEGAL FORM:


City Attorney